

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF MASSACHUSETTS
EASTERN DIVISION**

In re: Robert R. McNamara,
Debtor

Chapter 7
Case No. 17-11329 – MSH

ORDER

This matter having come before the Court, on The Bank of Canton’s Motion for Expedited Determination and Order of Comfort Determining that Relief from Stay is Inapplicable or Alternatively Granted for the Purpose of Preserving the Statue of Limitations Under MUFTA and Obtaining Injunctive Relief Against Sparrell, it is hereby adjudged, determined and ORDERED:

That the automatic stay under Section 362 of the Bankruptcy Code has no preclusive effect to The Bank of Canton proceeding with (i) claims under the Massachusetts Uniform Fraudulent Transfer Acts arising from the Debtor, Robert McNamara’s transfer of Sparrell Funeral Services, Inc.’s (“Sparrell”) assets to BM Mack Properties, LLC and BM McNamara Funeral Services, Inc. (collectively, the “BM Companies”) and the actions of Brendan and Melissa McNamara, and (ii) an injunction against Sparrell as to payments due to the Debtor under the Promissory Note made by the BM Companies in favor of Sparrell (the “BM Note”).

Dated in Boston, this _____ day of _____ 2020.

Honorable Melvin S. Hoffman
United States Bankruptcy Judge

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That The Bank of Canton (the “Bank”) is hereby granted relief from the automatic stay imposed by Section 362 of the Bankruptcy Code so as to permit the Bank to exercise its rights to proceed with (i) claims under the Massachusetts Uniform Fraudulent Transfer Acts arising from the Debtor, Robert McNamara’s transfer of Sparrell Funeral Services, Inc.’s (“Sparrell”) assets to BM Mack Properties, LLC and BM McNamara Funeral Services, Inc. (collectively, the “BM Companies”) and the actions of Brendan and Melissa McNamara, and (ii) an injunction against Sparrell as to payments due to the Debtor under the Promissory Note made by the BM Companies in favor of Sparrell (the “BM Note”). Relief is further granted without stay imposed by Fed. R. Bankr. P. 4001(a)(3).

Dated in Boston, this _____ day of _____ 2020.

Honorable Melvin S. Hoffman
United States Bankruptcy Judge